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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/228,005	01/08/1999	FRANK A. LAWLER	3382-51701GA	7403

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/228,005

Applicant(s)

LAWLER ET AL.

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 January 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 01/08/1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Nevertheless, the examiner has been able to obtain copies of and considered the U.S patents. However, the examiner has been unable to obtain a copy of the "Designing a Broadband Residential Entertainment Service: A Case Study" publication, and so it has not be considered. Applicant is required to provide a copy for consideration as to the merits.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: block 120 (page 12, line 2), EPG preview server 131 (page 14, lines 2 and 3), icons 150 (page 18, lines 14,16 and page 19, lines 13,17,19), Program Summary Panel 92 (page 16, line 9), Program Summary Panel 90 (page 18, line 15), Server 202 (page 19, lines 23, 24, page 20, lines 4,15,17,18,20,22,23 and page 21, line 11). A

proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 40, " the image" in line1 lacks antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 21-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Rauch (US 5,731,884).

Regarding claim 21, Rauch disclose television system includes a cable source 110, computer 100 and television display 130 coupled to the computer 100 for displaying representing scheduled layout and user input device 120 for selecting a programming parameter for display (see fig. 1), a method of displaying for a view summary information relating to programming included in the program guide, comprising: providing programming information including at least the identities of a plurality of available programs and summary information from the television cable provider via cable source 110 to computer 100; storing the program information and summary information in the memory 150; accessing the programming information and display the programming information in the programming guide on the video display 130; obtaining a user selection indication corresponding to programming selected by the viewer from the programming guide; accessing in response to the user selection indication the summary information relating to the programming selected by the viewer; and displaying the program summary information on the video display 130 (see col.4, line 34 – col. 5, line 67 and col. 9, lines 4-11). The bidirectional communication is well known to those skilled in the art.

Regarding claim 22, Rauch discloses the summary information includes a text description relating to the programming selected by the viewer (see col. 5, lines 7-8).

Regarding claim 23, Rauch discloses the displaying of the summary information includes displaying the text description in a text description window 230 (see col. 7, lines 24-32).

Regarding claim 24, Rauch discloses the summary information includes display imagery relating to the programming selected by the viewer (see col. 5, lines 31-35).

Regarding claim 25, Rauch discloses the displaying of the summary information includes displaying the display imagery in a preview display window 240 (see col. 7, lines 24-54).

Regarding claim 26, Rauch disclose the graphic representation in the picture-in-graphic display window 240 are changed corresponding to newly selected program (see col. 7, lines 55 –65 or col. 11, lines 53-65) which implicitly shows that the display imagery includes a multi-frame video segment relating to the program selected by the viewer.

Regarding claim 27, Rauch discloses the selected program is transmitted from the cable source 110 when the program is selected by the viewer and the multi-frame video segment includes the transmitted selected programming (see col. 9, lines 42-51 and col. 11, lines 53-65).

Regarding claim 28, Rauch discloses the multi-frame video segment includes a pre-selected video segment that relates to the selected programming and is less than the entire selected programming (see col. 7, line 62-col. 8, lines 2).

Regarding claim 29, Rauch discloses the display imagery is a single image frame relating to the programming selected by the viewer (see col. 7, lines 62-65).

Regarding claim 30, Rauch discloses the summary information includes a text description and displaying imagery relating to the program selected by the viewer (see col. 7, lines 55-58).

Regarding claim 31, Rauch discloses a television system as discussed in the rejection of claim 1. A method of displaying for a viewer summary information relating to programming included in the program guide also comprising: obtaining from the cable source 110 programming summary information that relates to programming available to a viewer, the programming summary information including at least a plurality of images, each image being related to at least one of the available programming; storing the programming summary information in memory 150; obtaining an indication of programming selected by the viewer from the programming guide; retrieving from the memory the programming summary information corresponding to the programming selected by the viewer from the programming guide in respond to the obtained

indication; and displaying the programming summary information for the viewer on a television set 130(see fig. 4 and col. 9, lines 30-60).

Regarding claim 32, Rauch discloses the summary information include a text description relating to the programming selected by the viewer and at least some of the images are video segments (see col. 9, lines 4-11).

Regarding claim 33, Rauch discloses the text description and video segment are displayed in, respectively, a text description window 230 and a preview display window 240 that are displayed adjacent each other (see fig. 2).

Regarding claim 34, Rauch discloses the summary information is displayed simultaneously with the program guide (see fig. 2 and col. 7, lines 23-33).

Regarding claim 35, Rauch discloses the programming summary information displayed for the viewer includes an icon indicating a predetermined characteristic of the selected programming (see fig. 2, and col. 8, lines 1-40).

Regarding claim 36, Rauch discloses the predetermined characteristic of the selected programming is selectively cued by the viewer (see col. 9, line 51- col. 11, line 34).

Claim Rejections - 35 USC § 103

7. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch as applied to claims 1-36 above, and in view of Yuen (US 6,239,794).

Regarding claim 37, Rauch discloses a television system has a method of displaying summary information at an individual user station, the methods of providing, storing, obtaining user input and accessing the summary information are analyzed as discussed in the rejection of claims 1-36. However, Rauch fails to explicitly disclose the programming information including an identification of a plurality of future programs that will be available from the television cable provider at a future time.

Yuen discloses the programming information including an identification of a plurality of future programs. Yuen also discloses the accessing and displaying future programs simultaneously with the program guide in respond to a user selection of one of the at least one of the future programs (see col. 5, line 49 – col. 6, line 44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rauch by expanding the programming information to future programs as taught by Yuen in order to give user a further view of program guide.

Regarding claim 38, Rauch discloses the summary information includes a text description relating to the programming available to the viewer and the text description

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is displayed simultaneously with the selected program and the programming guide in response to a user selection of a currently available program and analyzed as discussed in the rejection of claims 22 and 34.

Regarding claim 39, Rauch discloses the image is a video segment relating to the associated program as discussed in the rejection of claim 26.

Regarding claim 40, Yuen mentions of a still image relating to the associated program in the prior art (see col. 1, line 59-col. 2, line 2).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Banker (US 5,485,221) discloses subscription television system and terminal for enabling simultaneous display of multiple services.


Noguchi (US 6,163,345) discloses methods and apparatus for providing station and programming information in a multiple station broadcast system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Son P. Huynh
December 28, 2001


ANDREW FAILE
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